

J. C. MARTIN, EDITOR.

WEDNESDAY, MAY 19, 1898

It is almost as amusing to see the "same old lie" published about C. Myer Zulick being a resident of this territory, when appointed Governor, as it is to see "Judge" Zulick seated on a sham judicial bench. When the name of C. Myer Zulick, of Arizona was first mentioned as a candidate for governor, the press of Tombstone where he claimed residence, was the first to raise the inquiry, asking who he was. The fact is as every one knows, that ten or eleven months prior to his appointment, he was a candidate for office, and was defeated in New Jersey. Now while the people of Arizona are compelled to submit to the appointment of non residents to fill official positions, the citizens of New Jersey have never yet been known to draw on residents of Arizona to hold office for them. The only residence acquired by the Colonel previous to his appointment was such as might be acquired by any man passing through the territory. When the angry miners of Nacozari drove him out of Sonora he took refuge in Tombstone for a few days prior to his departure east, which constituted his citizenship.

Governor Zulick and Secretary Bayard, in the charges against the directors of the insane asylum, placed themselves on record that the meeting of the honorary board was not a secret one. With all due regard to the veracity of these gentlemen the editor of this paper most solemnly enters its protest against the truth of the assertion. In his capacity of news gatherer he called on the secretary of the board for permission to look at the record of the proceedings, but was denied and was given to distinctly understand that there was a seal of secrecy on the board. He applied to two other members for the same information and was by each refused, and by one distinctly told that he would neither be allowed to be present or be told what was done. This paper published the fact at the time that the meeting was a star chamber proceedings being held with closed doors. If the governor and secretary did not consider it secret proceedings, why did they not state so at that time.

Judge Zulick this morning disallowed the plea of jurisdiction and overruled the demurrer in the case against the directors of the insane asylum, deciding that the law clothed him with judicial powers and at the same time asserting a proposition unknown in legal jurisprudence, that a judicial officer is not disqualified by any personal interest in a case, or by having thoroughly familiarized himself by hearing all the testimony before being brought on for trial. His decision surprised no one, as he could not with very good grace to himself decide otherwise. The respondents in the case then filed their answer, denying the charge and every specification in detail, and at the same time explaining their actions as well. No evidence being introduced against them, their attorney refused to introduce any on their behalf. The governor makes specific charges and they make as specific and certainly a more pointed denial, which throws the onus of proof on the plaintiff.

The great farce has ended: Judge Zulick's court has passed out of existence until it is again called into being by Governor Zulick. The mountain has labored, but unlike the mountain of ancient mythology, has brought forth not a mouse, but what is likely to prove a great big white elephant on Governor Zulick's hands. The executive fiat has gone forth that the insane asylum directors must go, but we seriously doubt whether the automatic edict will be obeyed. It certainly should not be if the directors, as they claim, and as their friends believe, are guilty of no wrong. By so doing they would virtually admit their guilt. It would amount to an admission on their part that they have been guilty of the corruption vaguely insinuated, and the official misconduct and incompetence openly charged by the Governor, for them to quietly surrender their positions at the present stage of the proceedings.

The board of directors have never refused to show their books. They are open for inspection by the lowest citizen at the territory as by the highest official. If the honorary board really desired to see the books and have a fair and impartial examination, why did they not hold their meeting in Phoenix, where the books and office of the directors are instead of in Prescott. Two members of the board reside and two more were there on business only a short time ago. Had they been desirous of looking after the public interest only instead of harassing the directors and concealing an evil for their removal, they could have held their meeting there and then and had free access to all the books and papers.

The report of the reception given to General Crook on his arrival in Omaha as published in the press of that city, shows it to have been a grand affair. It was a spontaneous outburst of good feeling toward a noble man and good soldier, whose services were appreciated by those present. Governor Warren of Wyoming made a speech in which he said there is no territory that entertains a warmer feeling for him than Wyoming does.

Hon. David Davis is sick.

## MORE TESTIMONY.

Continuation of Mr. Bayard's Testimony.

Mr. H.—Now, sir, were these charges and specifications preferred by the Governor before that report came back to you from Phoenix, signed by Dr. Mahoney?

Ans.—I don't know as I understand your question, but if you mean to ask whether these charges and specifications were mailed to the gentlemen to whom they are addressed, I don't know positively whether they were or not.

Mr. H.—Did you know whether the report was signed by Dr. Mahoney before you got it back with his signature to it?

Ans.—Yes, sir.

Mr. H.—By what means?

Ans.—By telegraph. I had reason to believe it would be signed by him, and I telegraphed him stating I had sent the report, and he telegraphed when he mailed it back to me. I can't tell you the date of his telegram.

Mr. H.—Did you know as a fact that he had signed that report before you got it back with his signature on it?

Ans.—I had reason to believe he had.

Mr. H.—I understand that, but had you positive knowledge either from him or other parties that he had signed it?

Ans.—Well, there was no doubt in my mind that he had signed it.

Mr. H.—Why do you say that?

Ans.—From his telegram principally.

Mr. H.—What was that telegram?

Ans.—I think not. I may have it and I may not.

Mr. H.—Do you know its contents?

Ans.—Not the exact words.

Mr. H.—Can you give me its purport?

Ans.—No, sir, I cannot.

Mr. H.—Then you don't know positively when these charges were made out, do you?

Ans.—I know when they were made out, but I cannot give you the exact date.

Mr. H.—Well, do you know whether they were made out prior to your signing this report or afterwards?

Ans.—To the best of my belief they were made out after I signed the report.

Mr. H.—Was it before or after the report was returned to you that they were sent off?

Ans.—I can't tell that, as I don't know.

Mr. H.—Did you take any sworn testimony in this examination before the Board of Honorary Directors?

Ans.—None of the testimony was taken under oath. That is, none of the testimony taken from the directors.

Mr. H.—Was there any testimony taken under oath?

Ans.—The only testimony that I would consider under oath were the certified copies of the tax rolls.

Mr. H.—Were those under oath?

Ans.—I believe they were certified to by the county assessors or proper persons.

Mr. H.—Were they sworn to?

Ans.—No, sir, but certified to.

Mr. H.—When Col. Hatch was being examined was Director Lincoln in the room?

Ans.—Yes, sir, I think he was.

Mr. H.—When Director Lincoln was being examined was Col. Hatch in the room?

Ans.—Mr. Hatch didn't arrive until that night, as Mr. Lincoln was examined the first day of the meeting of the board, so he was not there.

Mr. H.—How was that examination held here, with closed doors?

Ans.—There was no one present except the members of the board and the two directors who were examined.

Mr. H.—Now, Mr. Bayard, was Director Stewart before that Honorary Board?

Ans.—Mr. Stewart was not.

Mr. H.—He didn't testify before the board at all?

Ans.—No, sir, he was not present.

Mr. H.—And you say Director Lincoln was present when Director Hatch was testifying?

Ans.—Yes, sir.

Mr. H.—Was Director Hatch present at any time when Director Lincoln was testifying?

Ans.—Dr. Lincoln may have been asked some questions when Mr. Hatch was present. I think so. As I told you before, the first day Dr. Lincoln was here, Mr. Hatch did not arrive, but Dr. Lincoln was not directly under examination when Mr. Hatch was present.

Mr. H.—How was this examination taken, were the questions in writing?

Ans.—They were.

Mr. H.—All of them?

Ans.—Practically all.

Mr. H.—How prepared the questions on which the directors were examined?

Ans.—They were jointly prepared.

Mr. H.—Well, how long before the testimony was taken or a hearing was held before the board?

Ans.—I couldn't tell you exactly; but a few days.

Mr. H.—You say they were jointly prepared. Now, by whom?

Ans.—By Governor Zulick and myself.

Mr. H.—Any other member of the board?

Ans.—No, sir.

Mr. H.—Who prepared the bulk of these questions?

Ans.—Governor Zulick.

By the Governor—Mr. Bayard, you have been asked if this meeting of the Honorary Board of Directors was held with closed doors. Your answer was, as I understood it, that none but the members of the board and the two directors were present. It wasn't a secret meeting, was it?

Ans.—Why, no, I didn't so consider it.

Governor—It wasn't so considered by the board, was it?

Ans.—Not by me. The question was never raised if anybody could come into the room, as there was no application made by anyone to be present.

## MORE PLAINTS.

Mention was recently made in these columns of a most malicious attack made on Attorney General Churchill by the Phoenix Gazette and copied into the Courier. The attorney general publishes an open letter to the editor of the Gazette in which he not only vindicates himself thoroughly of the charges, but uses some very forcible language. Referring to the oft repeated charge, that as attorney general he had received \$250 from the directors of the insane asylum, he says: "The truth is that no fee was ever paid to the attorney general by the directors of the insane asylum. Whatever was paid to the undersigned was so paid to me in my official capacity and for no legal opinion, but for actual attorney's work, in the examination of title to lands, and the preparation of papers and for no service which the attorney general was required by law to perform, and the payment of money to me is not made the ground of charges by the Governor against the directors of the insane asylum and could not well be, as any lawyer will inform you."

In this case you seem to labor under the mistaken belief, that the attorney general is not an independent officer, whose duties are defined by law, and who is responsible to the Territory and to the people for the performance of those duties. On the other hand, you seem to discuss upon the hypothesis that the attorney general and all other territorial officers are personal appendages of the Governor, and who have entirely lost their individuality, and who only live, move and have their being, by and through the Governor. I say to you, that if such was the case, I would never have held the office one day, and I do not believe that among the many aspirants for the place, one would be found now who is degraded enough to accept it upon any such conditions.

Since I have held the office, I have personally performed what I believed to be his duties and am responsible therefor. I do not now propose to have any one dictate to me how or in what manner I shall perform those duties hereafter, unless their views agree with my own. Although Governor Zulick has often asked for my opinion, in my official capacity as the attorney general, upon legal questions which have arisen before him, and I have always complied with his requests, as I shall cheerfully do hereafter as occasion seems to require, he has never asked, nor have I given him, any advice upon the questions pertaining to the removal from office of the gentlemen who now constitute the board of directors of the insane asylum.

The statement, insinuation and innuendo in your article to the effect that my course in relation to the Governor, as well as to the directors of the insane asylum, has not been open, fair and frank, in all respects, are entirely false and without any foundation whatever, and to me they seem to be malicious and intended to deceive the public, and lead the people to falsely believe me not only capable, but actually guilty of duplicity in the matter, and unless the author of that editorial article publicly, and in the same manner as the article in question has been published, retracts the same, I hereby denounce him as a wilful and malicious liar, who should not be allowed to pollute the air which honest men breathe, but whose cowardly, sneaking conduct should cause him to be annihilated by every fair minded and upright person."

The Washington Critic favors Delegate Bean's plan for the capture of Geronimo. It says: "The proposition of Mr. Bean, delegate in Congress from Arizona, that the Government offer a reward of \$25,000 for the capture of Geronimo, is worthy of serious consideration. The contract seems to be a somewhat heavier one than the army is able to carry out; why not hold out inducements to private enterprise to undertake the job? The Government certainly has a duty to perform in the premises. The people of Arizona and New Mexico, being under the immediate guardianship of the Government, have certainly the right to demand protection from this bloodthirsty savage; and it cannot be expected that the settlers should be burdened with all the expense as well as the danger of hunting him down. Many of them are poor; many others are so situated that they cannot leave their homes detachments. But even brave fellows can be found to join in the chase and capture, with the prospect of some just and reasonable compensation to stimulate them. And once in their hands we can rest assured that the wily Apache chief would never be released on parole again."

The ladies of Omaha are charged with having been the cause of the verdict of guilty being passed upon John W. Lauer lately. He was charged with the murder of his wife, and is under sentence of ten years in the penitentiary. A hearing is now in progress, on a motion for a new trial, the other day, Judge Thurston stated that the recent trial of Lauer was a circus, and was the last judicial circus he would ever attend. He said the court room had been virtually in the hands of a mob of ladies. The action of many of Omaha's best society as they formed in line, marched by the prisoner and stared at him, were a disgrace to civilization and to the ladies themselves. He said that the ladies crowded around the jury, and by every look, posture, nod and curl of the lip influenced it. The remarks of Mr. Thurston on this occasion created a sensation, and the Omaha ladies are generally about as mad as hornets. Our sympathies in the matter are entirely with the ladies. If wife murderers cannot be convicted except through the staring of the ladies we glory in their doing so, and would advise a trial of it by the San Francisco ladies on some of their unhung murderers.

An article copied from an eastern paper by the Courier, clearly demonstrates that the opposition to Governor Zulick's confirmation came from his democratic friends of New Jersey. This effectively gives the lie to the statement, published in some of our territorial democratic papers, that Delegate Bean and other republicans of this territory were working to defeat him.

Socialism and anarchism, as preached by Herr Most and Spies, should be stamped out, and the apostles of the doctrine with it. The United States is no country for the propagation of such seditious, property destroying doctrines.

Maxwell the murderer of Preller is on trial in St. Louis.

## Good Advice.

At a recent meeting of the officers of the Brotherhood of Locomotive Engineers, Chief Engineer Arthur gave the following sensible advice:

No man has a right to say to another, "Thou shalt" or "thou shalt not," and in the violation of this principle is where the trouble lies among the workmen today. We have no business to say that an employer shall employ or shall not employ this man. A man has the right to belong to any organization provided it is not contrary to the law. We say no man has the right to say another man that he must not belong to another organization. And, too, we have no right to go to the company and say, "You must not employ that man." We oppose this way of doing things on principle. Unless a man is a rascal you have no right as superintendent or master mechanic to prevent him from getting employment elsewhere because he does not suit you; for he might suit somebody else. The great trouble is there has been too great a chasm between capital and labor, and we should strive to bring them closer together. There should be no antagonism. There is no occasion for it, and though I want every laboring man to hold up his head and look his employer square in the face, I want him to remember that capital as well as labor has rights which we must respect. We cannot do without either. Both are essential to the prosperity of the country. There should be no clashing between them—there need be none.

Two packs of foxhounds are sustained by English settlers in the northwestern corner of Iowa for the sport of chasing the prairie wolf or an occasional fox. The hunting is chiefly carried on in the spring and is described as having all the elements of the liveliest sport of that kind. The present season has been an exceptionally good one, and the packs will be enlarged.

The sewing women of Buffalo have resolved, that the act of Miss Folsom in buying her bridal outfit in Europe be deprecated, on the ground that the work could be better done in America, particularly in Buffalo, and that we use our best effort to defeat Cleveland's political further aspirations, if he persists in having his bride's trousseau made in Paris.

Two months ago a baby that weighed but one pound was born in Clinton, Pa. The little thing is alive and healthy now, but has grown very little, and a museum man of has offered the mother much money if she will place it on exhibition.

John C. Calhoun once pointed to a drove of mules just from Ohio and said to Corwin: "There go some of your constituents." "Yes," said Tom, gravely, "they are going down South to teach school."

It is estimated that about 100,000 people from east of the Rocky mountains have been induced by the cheap rates to visit California within the past few weeks.

Kansas city was visited by a tornado recently destroying the court house and one school house. Eleven children were killed in the latter.

Honolulu experienced a \$1,000,000 fire recently burning eight blocks of the town and making homeless about 8,000 Chinese residents.

The Supreme Court of the United States has dismissed the Snow polygamy case, for want of jurisdiction.

Rosecrans defends his actions as a land grabber by claiming his lawyers advised him to do so.

Cholera has already appeared in several towns in Italy.

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